

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FREDERICK N. BURGNER

CASE NO. 07-cv-05160 HRL

Plaintiff(s),

v.

UNION PACIFIC CORPORATION

STIPULATION AND [PROPOSED]
ORDER SELECTING ADR PROCESS

Defendant(s).

_____ /

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

Non-binding Arbitration (ADR L.R. 4)

Early Neutral Evaluation (ENE) (ADR L.R. 5)

✓ Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

Private ADR (please identify process and provider) _____

The parties agree to hold the ADR session by:

✓ the presumptive deadline *(The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)*

other requested deadline _____

Dated: 2/19/08

/s/ Steven L. Herrick
Attorney for Plaintiff

Dated: 2/19/08

/s/ Stephanie L. Quinn
Attorney for Defendant

[PROPOSED] ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

Non-binding Arbitration

Early Neutral Evaluation (ENE)

Mediation

Private ADR

Deadline for ADR session

90 days from the date of this order.

other

IT IS SO ORDERED.

Dated: _____

UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FREDERICK N. BURGNER,

Plaintiff,

Civil Action No. 5:07-cv-05160-HRL

-against-

UNION PACIFIC CORPORATION,

Defendant.

CERTIFICATE OF SERVICE

I hereby certify that on February 19, 2008, I caused to be electronically filed with the Clerk of the District Court the Stipulation and [Proposed] Order Selecting ADR Process in the above referenced action using the CM/ECF system which sent notice of such filing to the following:

Thomas A. Cregger (tac@randolphlaw.net)
Attorney for Defendant

Stephanie Lynn Quinn (slq@randolphlaw.net)
Attorney for Defendant

I hereby further certify that I have mailed the aforementioned document to the following non-CM/ECF participants by first class mail:

None

/s/ Steven L. Herrick